

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JUAN C MARTINEZ-CRESPO

Plaintiff,

v.

Civil No. 18-1984 (ADC)

RIVERA-PERSI, ET AL.,

Defendants.

OPINION AND ORDER

Docketed on December 20, 2018, plaintiff filed a complaint against “Persi-Rivera,” and Hary Feliciano, a motion to proceed *in forma pauperis*. ECF Nos. 1, 3. Along with these filings, plaintiff submitted a Prisoner Trust Fund Account Statement a financial affidavit form in the Spanish language. ECF No. 2.

On July 11, 2019, the Court granted plaintiff’s motion to proceed in forma pauperis. ECF No. 4. However, in a separate Order, the Court entered an Order informing plaintiff that pursuant to Civ. R. 5(g) and 48 U.S.C. § 864, the Court was unable to entertain motions or pleadings in the Spanish language. The Court also instructed plaintiff as to the pleading standard set forth in Fed. R. Civ. P. 8 and pointed out that the complaint at ECF No. 3 failed to meet those requirements. The Court granted plaintiff until September 24, 2021 to either refile his pleadings in the English language or move to file certified translations thereof, and to amend or

supplement his complaint. **ECF No. 6.** Plaintiff was specifically warned that failure to comply could entail sanctions including dismissal of the action. **ECF No. 6.**

To this date, however, plaintiff has failed to comply with this Court's Order.

Here, plaintiff filed a complaint in the Spanish language. **ECF No. 3.** Thus, the Court is unable to entertain such pleading. Moreover, the complaint fails to state a claim showing entitlement to relief or a demand for relief. **ECF No. 3.** These deficiencies were explained to plaintiff by the Court, as well as the consequences of failing to refile or submit certified translations of the documents in the Spanish language. **ECF No. 6.** As a matter of fact, the Court encouraged plaintiff to review this District Court's Pro Se Litigant Guidebook available in both English and Spanish language. *Id.* In total, plaintiff has been granted more than three months to comply. Plaintiff has not filed a single document in response to the Order from the Court. As a matter of fact, plaintiff has not prosecuted his case since the time when he first appeared before this Court three years ago, on December 20, 2018.

Pursuant to 48 U.S.C. § 864, "[a]ll pleadings and proceedings in the United States District Court for the District of Puerto Rico shall be conducted in the English language." Local Rule 5(g) requires that "[a]ll documents not in the English language which are presented or filed, whether as evidence or otherwise, must be accompanied by a certified translation into English prepared by an interpreter certified by the Administrative Office of the United States Courts." The United States Court of Appeals for the First Circuit requires strict enforcement of the English language requirement where the untranslated document is key to the outcome of the

proceedings. *Puerto Ricans for Puerto Rico Party v. Dalmau*, 544 F.3d 58, 67 (1st Cir. 2008). Allowing non-English document would be “at odds with the premise of a unified and integrated federal courts system.” *Id.* Therefore, district courts should not consider such documents. *González-De-Blasini v. Family Department*, 377 F.3d 81, 89 (1st Cir.2004).

Plaintiff has failed to comply with 48 U.S.C. § 864, as well as L. Civ. R. 5(g), and this Court’s Orders. The Court allotted plaintiff plenty of time to comply with this Court’s English language rule and explicitly warned plaintiff of the consequences of failure to comply. Specifically, at **ECF No. 6** the Court explained that “[f]ailure to comply... may entail sanctions including but not limited to dismissal.” *Id.*

Considering all the above, dismissal of the case is warranted under 48 U.S.C. § 864. Moreover, plaintiff has failed to prosecute his case since his initial filings in December 2018 and has failed to comply with his Court’s Order. **ECF No. 6**. Finally, plaintiff has neglected this Court’s warnings regarding the complaint’s insufficiency under Fed. R. Civ. P. 8.

Accordingly, the case is hereby dismissed without prejudice. **ECF No. 3**. Clerk of Court is to enter judgment dismissing the case accordingly.

SO ORDERED.

At San Juan, Puerto Rico, on this 13th day of January, 2022.

S/AIDA M. DELGADO-COLÓN
United States District Judge